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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,242	03/31/2004	Douglas Purdy	MS1-1826US	9750
22801 7590 12/12/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER AHLUWALIA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			2166	
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			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/815,242

Applicant(s)

PURDY ET AL.

Examiner

Navneet K. Ahluwalia

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2007 has been entered.

Response to Arguments

2. Claims 1 – 33 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 33 remain rejected.
3. Applicant's arguments filed with respect to claims 1 – 33 have been fully considered but they are not persuasive.

First, Applicant amends claims to include subject matter like “defined by the data structure for validation” and “wherein atleast one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using current version” and other changes, support for these changes was not exactly and clearly found by the examiner in the disclosure provided. For further and better understanding of the working of the invention

and its validity examiner requests applicant's representative to provide support for all amendments made in the claims that there is no teaching in Mann of searching for trademarks owned by the trademark owner and to generate a trademark list including the located trademarks.

Second, *Applicant argues that there is no teaching in Stickler or Darugar alone or in combination of "at least one optional data member to render the received data functional.....data structure for validation by the device using the current version".*

In response to Applicant's argument, the Examiner submits that Stickler and Darugar in combination teach all the functionalities and features of claim one especially "at least one optional data member to render the received data functional.... Data structure for validation by the device using the current version. This is seen in paragraphs 90, 105 and 150 - 151 of Stickler and the validation as it is being explicitly claimed is also disclosed in Darugar in paragraphs 3, 6 – 7.

Other claims recite the same subject matter and for the same reasons as cited above the rejection is maintained.

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 103 rejections are sustained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick Stickler ('Stickler' herein after) (US 2003/0097365 A1) further in view of Parand Tony Darugar ('Darugar' herein after) (US 2003/0018661 A1).

With respect to claim 1,

Stickler discloses a computer-readable medium including at least one tangible component and having stored thereon a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement *defined by the data structure for validation* by a device using a current version, the data structure, comprising: at least one optional data member to render received data functional within the current version of the data structure when optional data is absent from the received data (paragraphs 0009 and 0011, Stickler); and at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure (paragraphs 0060 and 0149 – 0150, Stickler) *wherein atleast one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using current version (paragraphs 90, 105 and 150 – 151, Stickler).*

Stickler does not explicitly disclose the validation and the formatting explicitly as claimed.

Darugar however teaches the validation and the formatted data as claimed in paragraph 3 and paragraphs 6 – 7, Darugar.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the conversion between different formats and versions would make the processing and functioning faster and efficient execution (paragraph 7, Darugar).

6. Claims 2 – 4 are rejected under the same rationale as claim 1. Further limitations and references are cited below.

With respect to claim 2,

Stickler discloses a computer-readable medium according to claim 1, wherein the data structure is both backward-compatible and forward-compatible with other versions of the data structure (paragraphs 0042 – 0043, Stickler).

With respect to claim 3,

Stickler discloses a computer-readable medium according to claim 1, wherein the data structure is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 4,

Stickler discloses a computer-readable medium according to claim 1, wherein the at least one construct includes a delimiter followed by a wildcard data member (paragraphs 0149 – 0150, Stickler).

With respect to claim 5,

Stickler discloses a computer-readable medium including at least one tangible component and having stored thereon a data structure for receiving data formatted in accordance with a first version of the data structure and for presenting the received data in an arrangement *defined by the data structure for validation* by a device using a current version (paragraphs 150 and 373, Stickler), the data structure, comprising: at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data (paragraphs 0009 and 0011, Stickler); at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure (paragraphs 0060 and 0149 – 0150, Stickler); a delimiter which acts as a sentry to validate a beginning of the construct (paragraph 214, Stickler); and at least one wildcard member that follows the delimiter to receive wildcard data received in accordance with a different version of the data structure (paragraphs 0149 – 0150, Stickler) *wherein at least one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the*

received data in an arrangement defined by the data structure for validation by the device using current version (paragraphs 90, 105 and 150 – 151, Stickler).

Stickler does not explicitly disclose the validation and the formatting explicitly as claimed.

Darugar however teaches the validation and the formatted data as claimed in paragraph 3 and paragraphs 6 – 7, Darugar.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the conversion between different formats and versions would make the processing and functioning faster and efficient execution (paragraph 7, Darugar).

7. Claims 6 – 12 are rejected under the same rationale as claim 5. Further limitations and references are cited below.

With respect to claim 6,

Stickler discloses a computer-readable medium according to claim 5, wherein the data structure is both backward-compatible and forward-compatible with other versions of the data structure (paragraphs 0042 – 0043, Stickler).

With respect to claim 7,

Stickler discloses a computer-readable medium according to claim 5, wherein the data structure is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 8,

Stickler discloses a computer-readable medium according to claim 5, wherein the different version of the data structure is one of an earlier version of the data structure and a later version of the data structure (paragraphs 0066 and 0083, Stickler).

With respect to claim 9,

Stickler discloses a computer-readable medium according to claim 5, wherein a last occurrence of the at least one wildcard member (paragraphs 0149 – 0150, Stickler) is followed by an end delimiter (paragraph 214, Stickler).

With respect to claim 10,

Stickler discloses a computer-readable medium according to claim 5, wherein the at least one wildcard member is to be placed in a location for a schema particle (paragraph 0212, Stickler).

With respect to claim 11,

Stickler discloses a computer-readable medium according to claim 10, wherein a schema particle is any one of a group consisting of an element, a compositor, a group, or an element wildcard (paragraphs 0149, 0212, Stickler).

With respect to claim 12,

Stickler discloses a computer-readable medium according to claim 10, wherein the at least one wildcard member is to receive wildcard data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

With respect to claim 13,

Stickler discloses a computer-readable medium including at least one tangible component and having one or more instructions to be executed by one or more processors, the one or more instructions causing the one or more processors to: receive data common to multiple generations of type, wherein the type refers to data structure of a message file which enables a message to be encoded or decoded in a valid manner (paragraphs 150 and 373, Stickler); tolerate an absence of optional data from the received data, when the data is received in accordance with a different generation of the type (paragraphs 0009 and 0011, Stickler); accept an inclusion of extra data in the received data, when the data is received in accordance with another different generation of the type and validate a message by inserting the received data into a current generation of the type (paragraphs 0060 and 0149 – 0150, Stickler).

Stickler does not explicitly disclose the validation and the formatting explicitly as claimed.

Darugar however teaches the validation and the formatted data as claimed in paragraph 3 and paragraphs 6 – 7, Darugar.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the conversion between different formats and versions would make the processing and functioning faster and efficient execution (paragraph 7, Darugar).

8. Claims 14 – 19 are rejected under the same rationale as claim 13. Further limitations and references are cited below.

With respect to claim 14,

Stickler discloses a computer-readable medium according to claim 13, wherein the type is described by an XML schema (paragraphs 0058, Stickler).

With respect to claim 15,

Stickler discloses a computer-readable medium according to claim 13, wherein to tolerate an absence of data in accordance with the different generation of the type is to detect no data element in an optional element member for a message (paragraphs 0009 and 0011, Stickler).

With respect to claim 16,

Stickler discloses a computer-readable medium according to claim 13, wherein to accept an inclusion of extra data in the received data is to receive the extra data in a placeholder for a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 17,

Stickler discloses a computer-readable medium according to claim 13, wherein a current generation of the type includes at least one optional element member and at least one placeholder (paragraphs 0149 – 0150, Stickler).

With respect to claim 18,

Stickler discloses a computer-readable medium according to claim 16, wherein the at least one placeholder includes a delimiter followed by an element member to receive the extra data (paragraph 214, Stickler).

With respect to claim 19,

Stickler discloses a computer-readable medium according to claim 16, wherein the at least one placeholder is to receive the further data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

With respect to claim 20,

Stickler discloses a method, comprising: receiving data in accordance with different type versions where each of different type versions uses an different arrangement of data within a message file to enable encoding and decoding of the received data (paragraphs 150 and 373, Stickler); tolerating optional data missing from

the received data, when the data is received according to a different type version (paragraphs 0009 and 0011, Stickler); receiving further data included in the received data, when the data is received according to another different type version (paragraphs 0060 and 0149 – 0150, Stickler); and formatting the received data according to a current type version into a message validating messages by inserting the received data into a data structure (*paragraphs 90, 105 and 150 – 151, Stickler*) which allows the messages to be validated by the multiple different generations of type (paragraph 0047, Stickler).

Stickler does not explicitly disclose the validation and the formatting explicitly as claimed.

Darugar however teaches the validation and the formatted data as claimed in paragraph 3 and paragraphs 6 – 7, Darugar.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the conversion between different formats and versions would make the processing and functioning faster and efficient execution (paragraph 7, Darugar).

9. Claims 21 – 27 are rejected under the same rationale as claim 20. Further limitations and references are cited below.

With respect to claim 21,

Stickler discloses a method according to claim 20, wherein the further data includes the optional data (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 22,

Stickler discloses a method according to claim 20, wherein the type is described using an XML schema (paragraphs 0058, Stickler).

With respect to claim 23,

Stickler discloses a method according to claim 20, wherein to tolerate missing data from the received data is to allow an absent data element in an optional data member in order to validate a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 24,

Stickler discloses a method according to claim 20, wherein to receive further data in the received data is to receive the further data in a placeholder in order to validate a message (paragraphs 0060 and 0149 – 0150, Stickler).

With respect to claim 25,

Stickler discloses a method according to claim 20, wherein the current type version includes at least one optional data member and at least one placeholder (paragraphs 0149 – 0150, Stickler).

With respect to claim 26,

Stickler discloses a method according to claim 24, wherein the at least one placeholder includes a delimiter followed by a wildcard element to receive the further data according to the another different type version, and wherein further a last placeholder is followed by an end delimiter (paragraph 214, Stickler).

With respect to claim 27,

Stickler discloses a method according to claim 24, wherein the at least one placeholder is to receive the further data that is any one of a group consisting of a target namespace, a local namespace, and a global namespace (paragraphs 0149, 0212, Stickler)

With respect to claim 28,

Stickler discloses a parser, comprising: means for receiving data according to multiple different generations of type where each different generation of type uses an different arrangement data within a message file to enable encoding and decoding of the received data (paragraphs 150 and 373, Stickler); means for excusing optional data being absent from the received data, when the data is received according to a different generation of the type (paragraphs 0009 and 0011, Stickler); and means for receiving further data in the received data, when the data is received according to another different generation of the type and means for validating messages by inserting the

received data into a data structure (*paragraphs 90, 105 and 150 – 151, Stickler*) which allows the messages to be validated by the multiple different generations of type (*paragraphs 0060 and 0149 – 0150, Stickler*).

Stickler does not explicitly disclose the validation and the formatting explicitly as claimed.

Darugar however teaches the validation and the formatted data as claimed in paragraph 3 and paragraphs 6 – 7, Darugar.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the conversion between different formats and versions would make the processing and functioning faster and efficient execution (*paragraph 7, Darugar*).

10. Claims 29 – 33 are rejected under the same rationale as claim 28. Further limitations and references are cited below.

With respect to claim 29,

Stickler discloses an apparatus according to claim 28, wherein the type is described by an XML schema (*paragraphs 0058, Stickler*).

With respect to claim 30,

Stickler discloses an apparatus according to claim 28, wherein the means for receiving further data includes at least one construct member having a delimiter

followed by a wildcard data member (paragraphs 0149 – 0150, Stickler).

With respect to claim 31,

Stickler discloses an apparatus according to claim 28, wherein the means for receiving further data is placed in a location for a schema particle (paragraph 0212, Stickler).

With respect to claim 32,

Stickler discloses an apparatus according to claim 31, wherein the schema particle is any one of a group consisting of an element, a compositor, a group, or an element wildcard (paragraphs 0149, 0212, Stickler).

With respect to claim 33,

Stickler discloses an apparatus according to claim 31, wherein the means for receiving further data is to receive data that is any one of a group consisting of a target namespace, a local namespace, or a global namespace (paragraphs 0149, 0212, Stickler).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Navneet K. Ahluwalia
Examiner
Art Unit 2166

Dated: 12/08/2007


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SUPERVISORY PATENT EXAMINER